

REMARKS

Claims 1-11, 13-28, 30-34, 36-46, and 48-58 are currently pending in the present application and all the claims stand rejected. No new matter has been added to the application. Favorable reconsideration of this application in view of the foregoing remarks to follow is respectfully requested.

Rejection Under 35 U.S.C. §103

The Examiner has rejected claims 1-11, 13-17 and 57 under 35 U.S.C. 103(a) as allegedly unpatentable over Milillo (U.S. Patent No. 6,643,671) in view of Beal (U.S. Patent No. 6,253,295) in further view of Micka (U.S. Patent No. 6,189,079).

Applicant, in response, submits an affidavit (together with "Exhibit A") under 37 C.F.R. § 1.131 in which the Applicant asserts a conception date of the invention and a reduction to practice date of the invention, as currently claimed, prior to the earliest priority date associated with Milillo. Specifically, the Applicant asserts that the invention precedes at least March 14, 2001, which is the earliest priority date associated with Milillo. Therefore, Milillo should now be removed as a reference cited against the present application, and accordingly, the rejection should be withdrawn.

In the Office Action, the Examiner concedes on pages 4 and 5 that Milillo does not teach or disclose all the elements of claim 1. The Examiner then cites the combination of Milillo and Beal with Micka as allegedly teaching the Applicant's invention. However, as Milillo is no longer a valid reference upon which to rely, the Examiner can no longer rely upon Milillo in combination with any other reference to establish a *prima facie* case of obviousness. Claims 2-11, 13-17 and 57 depend directly or indirectly from claim 1. Therefore, the Applicant respectfully requests the rejection of claims 1-11, 13-17 and 57 under 35 U.S.C. 103(a) be

withdrawn.

The Examiner has rejected claims 17, 34 and 52 under 35 U.S.C. 103(a) as allegedly unpatentable over Milillo (U.S. Patent No. 6,643,671) in view of Beal (U.S. Patent No. 6,253,295) in further view of Crockett (U.S. Patent No. 5,504,861). As discussed above, based on the Rule 131 Affidavit and Exhibit A, Milillo is no longer a valid reference. Therefore, the Examiner cannot establish a *prima facie* case of obviousness with Milillo in view of Beal and further in view of Crockett. Therefore, the Applicant respectfully requests the rejection of claims 17, 34 and 52 under 35 U.S.C. 103(a) be withdrawn.

CONCLUSION

Thus, in view of the foregoing amendments and remarks, it is firmly believed that the present case is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,



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